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The United States Senate

R3053

Report of Proceedings

Hearing held before

Senate Select Committee to Study Governmental
Operations With Respect to Intelligence Activities

325-11

Wednesday, May 26, 1976

Washington, D. C.

(Stenotype Tape and Waste turned over
to the Committee for destruction)

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3017 WILSON BOULEVARD
ARLINGTON, VA 22201

(703) 841-0800

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Phone (Area 202) 544-6000

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COMMITTEE BUSINESS

Wednesday, May 26, 1975

United States Senate,
Select Committee to Study Governmental
Operations with Respect to
Intelligence Activities,
Washington, D.C.

The Committee met, pursuant to notice, at 10:43 o'clock
a.m., in Room S-407, the Capitol, the Honorable John Tower
(Vice Chairman of the Committee) presiding.

Present: Senators Tower (presiding), Hart of Michigan,
Mondale, Muddleston, Hart of Colorado, Mathias, and Schweiker.

Also present: Senator Inouye.

Staff: William G. Miller, Staff Director; Charles Kirbow,
Jim Johnston, Britt Snider, Paul Wallach, Michael Epstein,
Rick Inderfurth, David Aaron, Ed Greissing, Dan Dwyer, Elliot
Maxwell, Michael Madigan, Charles Lombard, Bob Kelley and John
Bayly, Professional Staff Members.

P R O C E E D I N G S

1 Senator Tower. Let's go ahead and start. The Committee
2 will come to order.

3
4 The first thing I want to do is welcome Senator Inouye
5 to the Committee. He is the Chairman designate of the Committee
6 to succeed this one as the oversight Committee, and we have
7 invited him to come view the stellar example that we can set
8 for him for his Committee and its work.

9 Senator Inouye. I am learning.

10 Senator Tower. The first thing you have to do is get a
11 quorum, and that is the most difficult job, and I would like
12 to ask, Dan, if you have any questions.

13 The first item on the agenda is the consideration of
14 requests from Senator Abourezk in his capacity as Chairman of
15 the Indian Affairs Subcommittee for certain files.

16 Bill, would you enlighten us on that?

17 Mr. Miller. Yes.

18 During the course of the investigation, the Committee
19 acquired a file of documents from outside sources, that is,
20 outside the Executive Branch, on the American Indian Movement,
21 with particular reference to events at Wounded Knee. Among the
22 documents is one FBI document. All of the others are documents
23 which are not Executive Branch documents.

24 I have looked through them. I don't think they are
25 sensitive in a security fashion. I think they are of relevance

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1 to Senator Abourezk's Committee. We have asked the Bureau to
2 clear the one document which seems to come from the FBI, and
3 I would recommend that the Committee authorize the turnover of
4 that file to Senator Abourezk for such use as he may wish.

5 Senator Tower. The Chair is prepared to entertain a
6 motion to the effect that the files should be turned over to
7 Senator Abourezk with the exception of the one document that
8 comes from the Bureau, contingent -- including that document,
9 contingent on its declassification by Justice.

10 Senator Mondale. So moved.

11 Senator Tower. Is there any objection?

12 So ordered.

13 The next item on the agenda is the consideration of the
14 assassination report.

15 Senator Hart, are you going to take the lead-off on this?

16 Senator Hart of Colorado. I would prefer that either Dick
17 or the staff talk. I think what we are going to request here
18 is a final decision by the Committee, or at least a majority
19 of the Committee, on disposition of this. My own feeling -- well,
20 I will reserve that, but Dick may want to say something, or
21 the staff.

22 Senator Tower. Senator Schweiker?

23 Senator Schweiker. Thank you.

24 First I want to congratulate our new Chairman on his work.
25 I don't know if he fully knows what he is getting into, but we

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4

1 wish you our best and good luck in your new assignment.

2 And second, I want to say that the report, I guess everybody
3 now has a copy of the report, has been revised substantially
4 in terms of format and approach, and I think it zeroes in
5 completely on what the original request of Senators Church and
6 Tower were, which was to look into the performance relationship
7 of the intelligence agencies to the Kennedy assassination and
8 the Warren Commission. I think the earlier report frankly
9 strayed a little bit from that goal, but we I think have pinned
10 it down very specifically, and I think we have substantiated
11 the statement of the conclusions in the summary that we made.

12 I would like to recommend -- I realize you cannot read the
13 whole report, but I think you can certainly get the complete
14 gist of what we are saying in the summary and in the conclusions
15 by reading those two things you pretty well come down on what
16 we are saying and doing, and in view of the time factor, a
17 suggestion I would like to make is that if people take time to
18 read the summaries and conclusions, which we can do in a matter
19 of five minutes at some point, and basically feel satisfied
20 as to the thrust of it, that we then vote on the release of the
21 report under this condition, that we vote to publicly release
22 the report and then, since there are obviously, want to get
23 FBI and the CIA the opportunity to correct any sources and methods
24 which we would concur with that we would ask the staff to do
25 that and let Senator Hart and I work out any sources and methods

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1 problems, detail problems, where they might contradict some
2 information we have here in terms of just following it up.
3 I do think it is a very good job. I think it is a very
4 credible work, and I think that by taking this phase and
5 publicly releasing it now, after we have cleared the CIA and
6 the FBI problems, it will give Danny Inouye's Committee a
7 free hand. In other words, all we made is a recommendation.
8 If we don't publish a report now, you immediately get a real
9 problem in your Committee, as I see, as to what you do with what
10 we have done. If we publish now, I think you are a lot freer
11 to decide, having us made a judgment on the CIA and FBI
12 responsibility, whether you want to pursue or not pursue. We
13 obviously recommend that you pursue, but I think if we don't
14 publish that, I think that would be a bad mistake, because
15 we would be accused of a coverup. We would also immediately put
16 a hot potato in your new Committee which you would be hung with,
17 and I think it gives you a lot more freedom to treat at arm's
18 length our recommendations if we publish now in terms of the
19 FBI and the CIA relationships.

20 I think that there is some embarrassment here to both the
21 CIA and the FBI. I don't think we should kid ourselves about
22 that. We don't find out who done it, and we don't contradict
23 the basic finding of the Warren Commission, but we certainly
24 criticize the process and substantially document why that
25 criticism is valid, and I think just the same as our original

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1 assassination report, our study of the IRS or other things,
2 I think this would fall into that kind of categorical treatment.

3 That, I guess, is my situation in a nutshell.

4 Senator Tower. Do you want to have the staff summarize
5 this, Dick?

6 Senator Schweiker. That probably would be well.

7 Senator Tower. Why don't you call on whoever you choose to
8 kick it off?

9 Senator Schweiker. All right. We did try to be very
10 even handed, as I say. Neither the CIA or the FBI is going to
11 like what we say. On the other hand, I don't think we singled
12 out one agency in either respect, so Paul, how do you want to
13 divide up the brief report?

14 Mr. Wallach. I think I can begin just by putting the
15 report in perspective, but I think that if we take a step back
16 and I am going to ask Jim just to really detail just quickly
17 again, succinctly the period from 1960 through November 22nd,
18 1963, the day of the assassination, just very generally what
19 the agencies were doing at that time period, and I will come
20 back and tie in what the FBI was doing with Oswald during that
21 time period, which is one section of our report.

22 And then the next section of our report really goes to
23 how the agencies reacted in one of the most critical time
24 periods, and I think that you will see that there was an intelli-
25 gence failure of sorts, both before and after the assassination.

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1 The intelligence failure before I don't want to say was of
2 a nature that would have prevented the assassination, and there
3 is no such statement in the report to that effect. In fact, the
4 suggestion is not really even there. What you do see are many
5 problems inherent in the structure as it now exists between the
6 FBI and the CIA, problems that came up during the investigation
7 where there were questions as to who had jurisdiction to investi-
8 gate what, and many areas fell between the cracks. You have
9 the problem of covert actions that our Committee has looked
10 into. Here may have been a covert action that was so covert
11 that no one could tell the investigators about it, and it
12 backfired, in a sense, on some of the highest officials in the
13 country. And many other problems I think that our Committee
14 has dealt with come out so clearly on the study that we have
15 made on the assassination report.

16 I just would ask Jim to very briefly just make a couple of
17 statements about that period so you can get a feel as to what
18 really -- I know the Committee has a good feel as to what we
19 were doing vis-a-vis Cuba, but I don't think it has the same
20 feel as to what was happening with the anti-Castro exile groups
21 in this country in the context of Lee Harvey Oswald.

22 Mr. Johnston. Let me start out with we tried to put
23 ourselves back in the position of the Warren Commission, with
24 the Chief Justice of the United States who was not familiar
25 with the intelligence agencies and how he approached the problem

1 of the assassination, and what comes out is it does not look
2 like the Warren Commission fully understood the whole program
3 the United States Government had been running against Cuba for
4 three years.

5 They knew about the Bay of Pigs, they fully understood that
6 It is unclear if they knew about how that evolved into a
7 MONGOOSE operation, which was the use of Cuban exiles to accomplish
8 the same end, and how apparently, after the missile crisis of
9 October 1962, Government policy again changed to a clamp-down
10 on Cuban exiles, the very group that the Government had been
11 supporting for two years.

12 Ultimately as events moved into the summer of 1963, the
13 United States Government was raiding, seizing arms of the Cuban
14 exile groups on the one hand, and on the other hand, using the
15 CIA to accomplish the same ends by having CIA agents make those
16 raids against Cuba. And it ultimately evolved into the AMLASH
17 operation, which is an operation apparently designed to bring
18 about a coup in Cuba with AMLASH himself proposing that they do
19 that by assassination of Castro.

20 And especially after June of 1963, things became very
21 muddled. The Cuban exile groups got very irked at the Kennedy
22 administration's decision to clamp down on them. They were
23 in turn meeting in attempts to have unity, efforts to bring about
24 their own invasion or operations against Cuba, but the Kennedy
25 administration was trying to put the clamps on them.

1 The CIA has escalated by its own coup planning.

2 The report then focuses principally on how AMLASH figured
3 into this scheme. Castro in early September warned against
4 U.S. leaders who were meeting with terrorist in Cuba, and that
5 he would threaten retaliation against U. S. leaders, and the
6 coincidence of that warning coming two days after the original
7 meetings with AMLASH.

8 Subsequent to that, five days after Castro's warning, we
9 have determined that the Cuban, one of the interagency committees
10 on Cuba --

11 Senator Schweiker. I think this is one of the most important
12 points of all that has just come to light. So go ahead, Jim,
13 I just wanted to call their attention to it.

14 Mr. Johnston. One of the interagency committees dealing
15 with Cuba on September 12th, which is five days after Castro's
16 warning, had a meeting to evaluate their contingency plans about
17 Cuban retaliation. We have had access to the memorandum of
18 General Haig who was attending that meeting, and in that memoran-
19 dum, according to General Haig, what went on at the meeting
20 was they said, look, the rash of covert activity that is now
21 going on against Cuba may lead to some kind of retaliation, so
22 let us look at our contingency plans to prepare ourselves for
23 retaliation.

24 They decided at that meeting that any retaliation by Castro
25 would be at a low level, and that he would not risk confrontation

1 against the United States, although he had in the September 7th
2 speech warned against a major confrontation worse than the missile
3 crisis.

4 The CIA people attending that meeting came from the Cuban
5 Affairs Staff, the various staff who probably -- we don't know
6 the names of the people who attended, but in all likelihood, the
7 very people who were working on the AMLASH operation. At the
8 meeting on September 12th, this interagency Committee rejected
9 the possibility of an assassination of a U.S. leader in the
10 United States.

11 Senator Schweiker. Do we know, Jim, whether the people from
12 SAS told that meeting about AMLASH? Were the people all aware
13 of AMLASH at that meeting?

14 Mr. Johnston. There is no indication that they were. All
15 we have to rely on is the memorandum. There is no mention of
16 that, any mention in that memorandum the possibility of
17 retaliation by assassination of a U.S. leader as an unlikely
18 possibility.

19 Senator Mathias. Was there any evidence that General Haig
20 had ever been further questioned about that?

21 Mr. Johnston. No, sir.

22 Subsequent to that meeting, on the 12th of September,
23 they continued their contingency plan, and they had eliminated
24 the possibility that Castro would retaliate by an assassination
25 against a leader in the United States. They did program into

1 their consideration the possibility that he would assassinate
2 U.S. leaders in Latin America, U.S. officials in Latin America.

3 At the end of September, coming out of this whole review,
4 they warned, or they told the Justice Department representatives
5 to warn the FBI that Castro might conduct a sabotage operation,
6 but basically the thrust coming out of that meeting is the
7 FBI was not told that they had considered and rejected an
8 assassination of a U.S. leader within this country.

9 And again, we know little about the group's planning. We
10 do know that events in the AMLASH operation on September 12th
11 would indicate that they were not fully at that point decided
12 on the fact that they would use AMLASH to assassinate Castro,
13 or that they would even give him that assurance.

14 In any event, they did later give that assurance to AMLASH
15 after these series of meetings of the interagency committee
16 were over, and on October 29th, 1963, Desmond Fitzgerald, who
17 was head of the Cuban Affairs Staff, actually met with AMLASH
18 in Paris, and the significance of that is, at least to our
19 thinking, was that it destroyed plausible deniability for such
20 a senior official of the CIA to actually meet with an agent.

21 Senator Schweiker. Who wanted to assassinate Castro.

22 Mr. Johnston. Who wanted to assassinate Castro, and who
23 told that agent that the United States Government, not the
24 Mafia or anybody else, but actually told him that the United
25 States Government was behind his proposals, would have given

1 assurances to that agent that this government was going to conduct
2 or was considering conducting an assassination operation.

3 Senator Tower. That was rather extraordinary conduct, wasn't
4 it, for a senior official to meet with an agent?

5 Mr. Johnston. We believe so. He was warned not to do it.

6 Senator Schweiker. Several people warned him not to do
7 that, John. We have records of that. So he went against sort
8 of in-house policy.

9 Mr. Wallach. He also stated, I believe, that he was a
10 personal representative speaking for the Attorney General.

11 Mr. Epstein. One of the reasons they had been expressing
12 advice that they not have that kind of a meeting, because they
13 were concerned about whether the project was security, the
14 security, of course, involving the question of whether or not
15 AMLASH might be a double agent and might not be trustworthy, and
16 whether the information might get back to Castro, which later
17 bears a relationship to whether or not that threat that Castro
18 made was based on real knowledge or not.

19 Mr. Johnston. At this point in the chronology, before the
20 Fitzgerald meeting on October 29th, the FBI learned through
21 a source it had --

22 Senator Schweiker. And this is another very important
23 point because it shows some kind of action parallel to the
24 CIA.

25 Mr. Johnston. -- that AMLASH was meeting with CIA.

1 Senator Schweiker. And the FBI, it's own, the FBI told
2 us.

3 Mr. Johnston, AMLASH had the reputation of being a pretty
4 flighty character, and had during the revolution against Batista
5 once shot somebody or killed a man in a bar, and that was
6 indeed his attractiveness, was that he was probably fairly well
7 known as someone who was capable of assassination. So the
8 knowledge outside of the CIA of the fact that AMLASH was meeting
9 with the CIA could lead many people to believe that the CIA
10 was using him in an assassination plot, even though there is
11 no indication in the FBI report that the source knew of the
12 nature of the CIA-AMLASH meetings. The point is that in early
13 October, the CIA operation using AMLASH was compromised, and
14 it appears that the Cuban exiles, anti-Castro Cuban exiles
15 could have had knowledge the CIA was engaged in this plot.

16 This goes ultimately to motivation of other groups to
17 use an assassination attempt against Kennedy for their own
18 purposes.

19 In any event, planning with AMLASH continued until
20 ultimately, two days before the President's assassination, he
21 was told that there would be a meeting on November 22nd, and
22 that it was not the meeting -- he didn't know whether the
23 meeting would be satisfactory to AMLASH, but it was the meeting
24 that AMLASH had requested, and so actually that meeting was
25 set up ahead of time, and if AMLASH were a double agent, or

1 somebody else in the operation a double agent, there would have
2 been advance knowledge of the November 22nd meeting.

3 Then after the assassination of President Kennedy, in
4 fact, at the very moment CIA had fashioned a poison pen, a
5 Papermate pen, and had passed that or offered it to AMLASH at
6 this meeting, and had also assured AMLASH that the President
7 was fully behind the coup attempt and fully behind AMLASH. He
8 also offered or told AMLASH that rifles with telescopic sights
9 would be dropped in Cuba for his use, again, the thrust being
10 a great motivation on November 22nd, a great motivation within
11 CIA to be very concerned about this operation and to be very
12 concerned about its own reputation, and possibly concerned
13 within the government circles as to the whole Cuban area.

14 We then followed the trail on AMLASH and later on through
15 history, and found, first of all, on November 24th, that there
16 appears to -- CIA investigators on the assassination requested
17 AMLASH's file, and apparently did not get that file, or at least
18 if they got it, did not get any operational materials, so that
19 those people who were investigating the President's assassination
20 were denied at that point knowledge of the AMLASH operation.

21 In fact, those investigators have told us that they never
22 knew in that timeframe about any assassination operation, and
23 when we described to them the scenario I have just described to
24 you, they said that that would have been a vital factor in their
25 investigation. It goes again, to not whether Castro did it, but

1 as to the whole shaping of the assassination investigation.

2 Senator Hart of Colorado. As to whether Oswald did it.

3 Mr. Johnston. Castro did it through Oswald.

4 Senator Schweiker. I think that is probably the most
5 significant CIA testimony we have. We talked to the chief
6 investigator for CIA, a very responsive, very straightforward
7 guy, and he had absolutely no knowledge when he as asked by
8 Helms to conduct this investigation of AMLASH or any attempts
9 against Castro's life, was never told that during his whole
10 conducting of the investigation, and admitted to us it would have
11 changed the whole direction and thrust of what he had been doing
12 if he had known that.

13 So it was deliberately withheld from him.

14 And the parallel to that, which I am sure that Paul is
15 going to get to, is you go to the Criminal Investigation of the
16 FBI and the exact parallel appears there. The chief guys in
17 the FBI charged with the investigation were denied access, were
18 not told of things we now know Hoover and the top leadership
19 did know about AMLASH and the other investigation.

20 So the two top investigators in both bodies were withheld
21 the vital facts of the Castro thing. And I don't particularly,
22 necessarily see it come down on the Castro side, because if
23 you know about the Castro thing, then you also would be
24 investigating the anti-Castro possibilities. So by denying
25 this, they didn't look at either the pro or anti-Castro

1 possibilities.

2 I am sorry, Jim, I interrupted you.

3 Mr. Johnston. I just wanted to make one point following
4 up on this.

5 The detailed report builds the case in the two weeks
6 after the President's assassination, the information that was
7 coming into CIA, and much of that information is pointing to
8 Cuba. Indeed, the hottest leads that were coming into CIA
9 pointed to Cuba, and yet we find that by the end of December
10 the Cuban specialists at CIA were not put directly in touch
11 with the Warren Commission, and they were not put in touch or
12 they were not given the responsibility for continuing the
13 investigation, and indeed, they have testified, the counterintelli-
14 gence expert on Cuban affairs, testified that he never really
15 sat down with any of the investigators to analyze all of the
16 facts in the Oswald case, to see whether there was any possibility
17 of a connection with Cuba.

18 And so what it appears, what we have done in this report
19 is to build the case, then, of all of the possibilities of a
20 conspiracy on a global scale, the most likely looked to be a
21 conspiracy somehow involving either pro or anti-Castro forces,
22 and we do not understand why that was not fully pursued by
23 the CIA.

24 And there are mammoth records out at CIA of their investi-
25 gation of Soviet, possible Soviet responsibility for the

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1 assassination, and indeed, their experts on Soviet affairs
2 were the ones who ran the CIA's investigation into the Kennedy
3 assassination. And they have exhausted that area, apparently,
4 and have come up with nothing. But we don't find a comparable
5 effort with the Cuban experts.

6 Senator Hart of Colorado. Keep in mind as just a footnote
7 here, I think a number of us heard in general testimony
8 Angleton suggest that he still is intrigued by the possibility
9 he never comes out and says it, but he always trolls around
10 in those waters about Soviet connections in the assassination.

11 So to the degree that Angleton was involved in the
12 investigation of the Kennedy assassination, I think he greatly
13 colored the direction that that investigation took toward the
14 Soviet side instead of the pro and anti-Castro or the Cuban
15 side.

16 Senator Schweiker: There are two other footnotes. One
17 is that when the first CIA chief investigator terminated his
18 role, which was in about six or eight weeks, I guess, the main
19 thrust of the report had then been written, he then went and
20 had a meeting with the Justice Department and the FBI, and he
21 said he was astounded at the number of things that he learned
22 at that meeting that he had been denied access to and was not
23 given by the FBI that also would have been instrumental in the
24 investigation. They withheld Oswald's diary and other stuff
25 that frankly would have helped them, looking at whatever Cuban

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1 connection there was or wasn't. So he made a very clear point of
2 saying that for a critical six weeks, the FBI never gave him
3 vital information that he felt was important for that period.

4 The other point is, and I think you have got to keep the
5 other side in mind, too, and that is the President somewhere
6 along the way blew the whistle on the anti-Castro Cubans. What
7 was that timeframe, the last one? Was it --

8 Mr. Johnston. March 19th, 1963.

9 Senator Schweiker. And this is important because this is
10 new knowledge. Not only did we raid the Lake Ponchartraine
11 anti-Castro Cuban group, which was well known. We had a foreign
12 country, and I don't want to mention their name, we had a
13 foreign country and we gave them maps of where seven or eight
14 Cuban camps were, and we encouraged them to go in and raid
15 those camps. So we got another country to raid seven anti-Castro
16 Cuban camps, and I think you can pretty well imagine the fury
17 and the wrath and the vengeance on the anti-Castro side at that
18 particular point in time.

19 But nobody checked that out. I mean, that's the point.
20 I mean, here are two tremendous motivation factors.

21 Mr. Epstein. Those are the same camps that at one time
22 had been helping our government.

23 Senator Schweiker. And we were working closely with these
24 people. So we really turned our back on our brothers, so to
25 speak. I mean, I am sure they felt betrayed, and we got another

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1 country to do it for us.

2 Senator Hart of Colorado. Pursuant to the policy reached
3 between President Kennedy and Khrushchev, Khrushchev pulls the
4 missiles out of Cuba, and Kennedy agrees that we will halt
5 our activities to overthrow Castro. That was the arrangement.

6 Well, that became crystal clear to all of those people,
7 as Jim has said, that we had been supporting for two years or
8 more in their efforts to overthrow Castro, but we just overnight
9 as part of the missile crisis, the government changed its
10 policy toward Cuba in that respect 180 degrees.

11 Mr. Wallach. I would like to -- I think there is a
12 tendency that we can get bogged down in the facts and the
13 details of the case. I think at the last meeting in the beginning
14 of our summary, I sort of plagiarized and stole a quote from
15 Senator Mondale, and I will read it, where he said nothing was
16 more crucial to this country than to determine the facts of
17 the assassination of President Kennedy. No one single event
18 has shaken the country more, yet it appears from the evidence
19 the Committee has developed that both the CIA and the FBI
20 failed in certain of their responsibilities and for different
21 reasons avoided others in this matter.

22 Now, insofar generally as the assassination investigation
23 went on both sides, the FBI and the CIA, it appears that at
24 every turn, when they could have looked into Cuban involvement,
25 they did not. Often it fell between the cracks. CIA people

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1 have told us that it was the FBI's jurisdiction to look into
2 it. We have seen FBI memoranda which said it was CIA's
3 jurisdiction.

4 Senator Schweiker. And the Cuban section of FBI said the
5 Criminal Section never asked us.

6 Mr. Wallach. At both agencies, it would appear that none
7 of the Cuban experts were ever allowed to get into the investi-
8 gation. The station chief at OMWAVE, which was the station down
9 in Florida that had the operational assets inside Cuba, that
10 possibly could have answered some questions, told us he was
11 never directed to do anything, and he didn't believe it was in
12 the CIA's jurisdiction to do so, to tap those assets inside
13 Cuba.

14 But more than that, both agencies are trying to tell us
15 that they had no reason to believe that there was any Cuban
16 involvement in the assassination, whereas we have recently
17 found documents that tell us about this interdepartmental
18 committee on retaliation and we know that they were considering
19 that very possibility.

20 We have Mr. Helms and Mr. Fitzgerald who knew about the
21 AMLASH plot and about the earlier assassination plots, kept this
22 information from their investigators. Hoover kept the same
23 information from his investigators.

24 Additionally, the FBI had some other motivations, and we
25 have all heard the phrase "don't embarrass the Bureau." The

1 FBI had a pre-assassination case on Lee Harvey Oswald. They
2 opened it when he defected to the Soviet Union, and they inter-
3 viewed him twice when he came back to this country. On both
4 of those occasions he lied repeatedly to the agent who was
5 interviewing him.

6 Senator Schweiker. And the agent knew he lied.

7 Mr. Wallach. And the agent knew he lied because he had
8 the State Department reports in his hands. The agent asked him
9 to take a polygraph test as to his responses, as to ties with
10 Soviet intelligence. The Warren Commission was not informed
11 he was requested that he take a polygraph. Oswald refused.

12 Despite that fact, and despite the fact that the FBI
13 supervisor said that the case on Lee Oswald could be followed
14 in conjunction with the case on Marina, the Oswald case was
15 closed immediately after both of those interviews.

16 Now, while the Committee has documented all of the
17 methods that the FBI used in those days to gather information
18 on someone, I don't want to come down and say that they
19 were proper or improper. I make no judgment on that.

20 I just want to say that they were used on security cases.
21 None of those were used here.

22 Subsequently, the case on Oswald, about six months later,
23 was reopened again, after he subscribed to the Worker, which
24 in Bureau parlance, is an East Coast Communist newspaper, which
25 was directly contradictory to his statements that he made to the

1 agent, that he had no Communist leanings since he had returned.
2 He then began his Fair Play for Cuba Committee work, and was
3 in fact arrested in New Orleans in August, and asked to see an
4 FBI agent, and again lied repeatedly to this FBI agent. In fact
5 he told the FBI agent that he met and married his wife in Texas
6 instead of the Soviet Union.

7 Then we have Oswald disappearing, going down to Mexico
8 City.

9 Senator Schweiker. He told the agent that he married her
10 in Texas?

11 Mr. Wallach. Yes, Senator.

12 Senator Schweiker. Yes, they had the files on it.

13 Senator Tower. Hell, Oswald wrote me in early 1962 to
14 help expedite and exit visa for his wife. Why in the world
15 would he tell a plover like that?

16 Mr. Wallach. In any event, he told what the agent knew
17 was lies, and what I am trying to get at is there was no
18 analysis within the Bureau of any of this. He even goes down
19 to Mexico City, contacts the Cuban consulate and the Soviet
20 embassy, happens to be in contact -- we don't know if there
21 is anything sinister about it -- with an agent who is known
22 to be KGB by the FBI and by the CIA, and suspected of being
23 Department 13, which is their assassination and sabotage
24 squad.

25 In any event, he then returns to the United States, is never

1 again interviewed by the FBI, because of some, as has been
2 described to us by the agent in Dallas, and I clearly don't
3 want to put any blame on this agent --

4 Senator Schweiker. Even though they have a record that
5 he was interviewed by a Department 13 officer, they have a
6 record that he had an interview with a Department 13,
7 assassination, KGB guy, and they never talked to Oswald after
8 that.

9 Mr. Wallach. What I really wanted to come down on was
10 the fact that with all of these facts in hand, on the day of
11 the assassination, one of Mr. Hoover's first responses was to
12 direct his chief inspector, Inspector Gale, who was Assistant
13 Director of the FBI, to conduct an investigation of the Bureau's
14 handling of the Oswald case before the assassination.

15 Six days later Gale came down with I think it is an 18
16 page report citing numerous what he called, and I quote,
17 serious investigative deficiencies in the FBI's handling of
18 the pre-Oswald assassination case. And I want to be clear,
19 there is no statement in there which says the FBI could have
20 prevented Oswald, or in any way that these deficiencies would
21 have prevented Oswald from assassinating the President.

22 But the fact that the FBI was criticizing its own internal
23 handling of the case, one of the major criticisms was that
24 it did not intensify its investigation, after knowing that
25 Oswald repeatedly lied to the agents, and after his Mexico City

1 contacts, that there were four or five month periods when nothing
2 was done, when communications were mishandled, and you get a
3 basic, really a basic intelligence failure within the FBI
4 itself.

5 You then have Director Hoover knowing this, representing
6 to the Warren Commission the FBI handled the case as it would
7 any other case, never mentioning to anyone -- 17 agents,
8 including an assistant director, were censured, put on probation
9 or demoted, and with this motivation, he never told the Warren
10 Commission that there was anything that the FBI did wrong.

11 I think one of the things we have to do is put ourselves
12 back into that time period, and not for the sake of criticizing
13 the Warren Commission, but for the sake of what the perspective
14 then was of the FBI and the CIA. I think no one at that time
15 would have believed that the FBI would have done anything wrong.

16 Senator Tower. In other words, the thrust of your criticism
17 lies against the Agency and the Bureau and not the Warren
18 Commission itself.

19 Senator Schweiker. Exactly.

20 Mr. Wallach. Exactly, how they performed. And I think in
21 reading the report, I think one of the first things you will
22 see, of Mr. Hoover, it was a negative investigation, in a sense.
23 It was an investigation to prove Oswald guilty. I think the
24 documents in a sense show that.

25 I don't want to say that there were not hundreds of agents

1 in the field who were doing their damndest to try to solve this
2 case. They were just not provided with information that would
3 have led them to solve it.

4 I don't know if there is a solution or whether we can still
5 find it.

6 Senator Hart of Colorado. That is a very critical point,
7 also, because we have got to be careful in anything we write.
8 It is not just separating the agencies from the Commission.
9 It is separating the leadership of the agencies from their
10 rank and file.

11 As Jim and Paul both have testified, we go through here
12 and fault the CIA and the FBI. I think we have got to refine
13 that. We have got to say the leadership of the CIA and the
14 FBI. There was obviously a conscious effort, as the staff has
15 testified, by the leadership of both agencies, to prevent those
16 assigned, to provide investigative capability to the Commission,
17 from knowing what had been going on.

18 So you cannot even fault the whole agency because I think
19 as Paul has just said about the FBI agents, I think the CIA
20 people in charge of the investigation and the FBI people in
21 charge of the investigation really tried to do their damndest

22 Senator Schweiker. Tried to do their best.

23 Senator Hart of Colorado. But the leadership of both of
24 those agencies, in Hoover's case he was more concerned about
25 his reputation, and therefore information was withheld, and it

1 was as Paul says negative investigation.

2 In the CIA's case, I think they were trying to cover their
3 you know what by not revealing to their own investigators that
4 they had been trying to kill Castro.

5 Senator Mondale. Could I ask a question, if questions
6 are in order about this? This last FBI file that we found,
7 now, we asked in a broad request the Bureau and the CIA to give
8 us all documentations and files relating to assassinations, and
9 those requests went forward some 15 months ago. And then as
10 I understand it about a month ago as a result of our review of
11 many of those files, we came to the conclusion that there had
12 to be other files undelivered and undisclosed at the Bureau.
13 And we found out that there were.

14 We have now seen some of those files, but we are not sure
15 we have seen them all, is that correct?

16 Mr. Wallach. I believe that is a fair statement, Senator.

17 Senator Mondale. And it was in those files that we have
18 seen that we found out for the first time that there was this
19 sort of ad hoc, temporary interagency committee which was
20 convened following Castro's threat to determine whether there
21 was in fact a threat against American leaders, is that right?

22 Mr. Epstein. I think that was in a Department of Justice
23 file. What we discovered in the FBI files that this Committee
24 had not received before was the fact that in 1964 the Bureau
25 learned of the CIA's assassination operation against Castro that

1 involved AMLASH, and learned that the Agency's operation had
2 been compromised.

3 Senator Mondale. So that file showed for the first time
4 that the Bureau knew about both AMLASH and the Mafia.

5 Mr. Wallach. We know about that they knew about the Mafia
6 from the May 10th --

7 Senator Mondale. But they also knew about AMLASH.

8 Mr. Wallach. But even when we got those documents, and
9 we requested those files, there was a problem of trying to get
10 the documents. Jim and I were sitting at the FBI, they brought
11 in the file on AMLASH. They left out two critical documents.
12 By reviewing the serials we saw that two were missing. They
13 just happened to be the two documents which established that
14 they had knowledge of AMLASH. I think the critical fact is
15 not only did they have knowledge of AMLASH, but they got that
16 knowledge from a Cuban source in the Cuban community down in
17 Florida, and as one FBI agent said, when one Cuban knows some
18 things, it is not a secret. They knew that that most secret
19 operation was compromised, and they never told the CIA.

20 Senator Schweiker. In fact, we have a memo of the FBI
21 saying don't tell the CIA that their operation was compromised.

22 I mean, this is so typical of what you find through that
23 whole investigation, they wouldn't even tell the CIA their
24 agent was flawed, and they kept that a secret from the CIA.

25 Senator Mondale. What I am trying to get at is, first of

1 all, do we have all the files now?

2 Mr. Epstein. No.

3 Senator Hart of Colorado. No.

4 Senator Mondale. And secondly, is there reason to believe
5 that they were deliberately withholding these files, because
6 I think that is a very serious thing if true.

7 Mr. Wallach. Well, I don't know if the Committee has
8 seen it, but we got a letter yesterday from the Justice Department
9 liaison with the Committee which essentially adopts what the
10 FBI said. As I remember -- do you want to speak to what the
11 letter said, Mike?

12 Mr. Epstein. Yes. We wrote to the Attorney General and
13 he supplied us with what he had been informed by the FBI, and
14 what he said was the FBI tells me that they don't have a topical
15 index which would have permitted them to locate these materials,
16 captioned "Assassination Efforts Involving Castro," and that that
17 is why those files weren't located back last year when this
18 Committee asked for all of the files.

19 What we also didn't get, which came here just a few days
20 ago -- and this wasn't provided a year ago either -- were
21 materials reflecting that the FBI was deeply involved in this
22 Government's policy with respect to Cuba, following the Bay of
23 Pigs.

24 Mr. Wallach. They met with Lansdale, and in fact, on one
25 occasion, Belmont, who was second or third in charge of the

1 FBI, jokingly suggested to Lansdale that they use the Mafia
2 to get rid of Castro, and we had no idea at that point that the
3 FBI was involved at those early stages, 1961, with what was
4 going on vis-a-vis Cuba and in fact, Hoover made some recommenda-
5 tions as to, you know, what should be done. I want to be clear,
6 he didn't say go out and assassinate Castro.

7 Senator Mondale. I am not getting at what is in those
8 files. I want to -- I am trying to get at was there an effort
9 not to see those files?

10 Mr. Epstein. We have not examined that questioned. We
11 have our complaint to the Attorney General, their response
12 giving their reasons for why they didn't provide those files
13 last year.

14 Senator Schweiker. That is sort of a tough one, Fritz.
15 I don't know.

16 Senator Mondale. Now, the so-called interagency committee,
17 set up after Castro's threat, am I not correct, we just found
18 out about that?

19 Mr. Johnston. Senator, we knew that there was such an
20 interagency committee. As a matter of fact, it was a successor
21 to MONGOOSE, and it is detailed in our assassination report
22 and its activities through June of '63. What we did not know
23 was that the committee had met in September of 1963 to consider
24 retaliation.

25 Senator Mondale. In other words, the point is that prior

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1 to Kennedy's assassination, an interagency task force had been
2 assembled to discuss the fear, based on Castro's threat, that
3 in fact our top leaders in this country might have their
4 lives exposed to assassination because of what we were doing,
5 and despite that, the Warren Commission was never told of any
6 relationship between the assassination and -- when did we find
7 out about that discussion?

8 Mr. Epstein. About two weeks ago.

9 Senator Mondale. All right.

10 And is not true that some of the people that worked with
11 this Committee representing the agencies were on that committee?

12 Senator Hart of Colorado. List the members.

13 Senator Schweiker. No, we don't know that now, do we?

14 Senator Hart of Colorado. Just list the members.

15 Mr. Johnston. The members, Mr. Crimmins of the State De-
16 partment was coordinator of that. Mr. Califano was known to
17 be, or we have evidence that he was the Defense Department
18 representative. General Haig, at that time Lt. Colonel
19 Haig, worked with Mr. Califano. We have indications that
20 Mr. Fitzgerald was the CIA representative. I called Seymour
21 Bolten at CIA and said our concern about that, and Seymour
22 told me that Fitzgerald indeed was the CIA representative, but
23 that even he, Seymour Bolten, had attended meetings of the
24 interagency committee when Mr. Fitzgerald couldn't attend.
25 In other words, there could have been other people from CIA.

1 Senator Schweiker. Did he attend the specific meetings?
2 Mr. Johnston. We have no evidence that he attended. We
3 have no evidence of who attended.

4 Senator Schweiker. If there is any evidence that he attended
5 those meetings, he is in a very precarious position in regards
6 to what he's told this Committee in recent months.

7 Senator Hart of Colorado. I think that is the point that
8 you are getting at. There is a pattern, a perceptible pattern
9 that information has been withheld on this Committee on a
10 matter that we specifically indicated that we wanted to know
11 about.

12 The only flaw in your formulation was the phrase "based
13 upon Castro's threats." We only have the circumstances that
14 the Committee met within 48 hours, and that is circumstantial.

15 Senator Mondale. I think it is fair to say, Dan, that there
16 is a feeling here that some of these pending requests are being
17 stalled out in the hope that this Committee will expire.

18 Senator Tower. At this point can I yield to Senator
19 Inouye, because I think he wanted to ask some questions.

20 Senator Inouye. Just one.

21 You indicated that the Commission, the Warren Commission,
22 was not really aware of the scope of the intelligence activities
23 of the United States. Mr. Dulles was a member, wasn't he?

24 Mr. Johnston. Yes, sir.

25 Senator Inouye. Was he aware of these assassination plans

1 or plots?

2 Mr. Johnston. What it seems to be is this. Mr. Dulles
3 was replaced in November of 1961 by Mr. McCone. But Mr. Dulles
4 indeed, when that replacement occurred, President Kennedy
5 desired a shake-up of the CIA, and other organizational changes
6 were made so that Mr. Dulles' knowledge would have been complete
7 knowledge as of November 1961. He probably knew about the
8 Mafia plots. Whether he knew about the evolution through
9 MONGOOSE and on to the AMLASH plots is less certain. We have
10 no evidence that he knew about the AMLASH plot, and on this
11 point, Mr. Angleton, who was then head of the CIA counterintelli-
12 gence, told us that he met with Dulles frequently, in fact,
13 met with Dulles frequently during the course of the Warren
14 Commission and they would bounce ideas back and forth.

15 It is important to note that Mr. Angleton said that he
16 did not know of the AMLASH operation, and that indeed he was
17 compartmented out of most Cuban operations, although he had
18 a general knowledge of it. He did not have the detailed
19 knowledge of Cuban operations that other people did.

20 So we, at least the evidence looks like that Dulles would
21 have known about the Mafia plots, but we have no evidence that
22 he ever could have learned about the later operations.

23 Senator Inouye. Are you satisfied that he knew about
24 them?

25 Mr. Johnston. I think the Committee's report on

1 assassinations concluded that he probably did know.

2 Senator Inouye. Is there any evidence to show that he
3 discussed this matter with his fellow commissioners?

4 Senator Hart of Colorado. Let that yield to me. Bill
5 Miller has something on that matter.

6 Mr. Miller. When Senator Cooper was here last week, I
7 asked him on behalf of this inquiry whether the Warren Commission
8 members were in any way informed, either privately by Mr.
9 Dulles or Mr. Helms or by any other member, by Hoover or the
10 Deputies, of any of the assassination attempts with regards
11 to Cuba, and he said no. The issue was not raised in any way,
12 shape or form.

13 Senator Schweiker. In addition, our report does say
14 that four of the counsel say exactly the same thing, Mr.
15 Belin, and Mr. Griffin --

16 Mr. Johnston. Mr. Rankin.

17 Senator Schweiker. Four of the leading counsel make exactly
18 the same representation.

19 Senator Huddleston. On that point, has there been any
20 effort to research the Commission's report, not only the final
21 report itself, but the backup information that they released, just
22 to make sure that we are not making a claim relating to some
23 evidence that is new that was not presented to the Commission.

24 Senator Hart of Colorado. Here is the only thing the
25 final report contains on any Cuban connections, and you can see

1 how big it is, and these are portions of pages. It is about
2 eight or ten pages.

3 Mr. Miller. Senator Cooper did expand on one point. He
4 said that the interest of the Commission members was on
5 determining who killed John Kennedy. That was the focus.

6 Senator Hart of Colorado. Not why.

7 Mr. Miller. Why insofar as they were able to determine,
8 but he said it was their view, and they feel there is nothing
9 that they have seen during their inquiry that would make them
10 believe otherwise, that it was Oswald, and that it was the
11 circumstances of the assassination, and Oswald himself they
12 focused on and his motivations and so on.

13 I think he was disturbed by the lack of any knowledge at
14 that time about any other connection with Cuba, but it was from
15 his remarks, it was clearly not a part of their discussions.

16 Senator Tower. Let me repair to Senator Schweiker's
17 proposal that there be immediate publication of this report
18 to assist the successor Committee, and just ask Senator Inouye
19 if he has any comment on that proposal.

20 Senator Inouye. I have been thinking about it, but I
21 don't think I am in a position to make any contribution.

22 Senator Schweiker. I think, Danny, this will give you
23 freedom to do anything that you want.

24 Senator Inouye. From the standpoint of relieving the
25 Committee of any pressures, that is true, and eventually, whether

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1 you release it or not, I would suppose bit by bit it will be
2 released.

3 Senator Schweiker. That is the problem.

4 Senator Inouye. So that being the case, from my standpoint,
5 it is just as well.

6 Senator Tower. In other words, you would approve Senator
7 Schweiker's proposal.

8 Senator Mathias. Would you yield for a question?

9 In its present form, is it sanitized as to methods?

10 Senator Schweiker. No, we want the right -- and this is
11 why I put in my motion that Senator Hart and I could work out
12 with the staff complete sanitization with the FBI and the CIA,
13 that would just, you know, we would just do as a matter of
14 course.

15 So we want to make it very clear there is no reason not to
16 do that.

17 Senator Tower. So what you could do is publish a sanitized
18 report and such matters as cannot be sanitized would be
19 turned over to the Committee.

20 Senator Schweiker. Exactly.

21 Senator Tower. Does that procedure accord with your
22 desires?

23 Senator Inouye. Fine.

24 Senator Schweiker. And there is one other thing that
25 we could do that might be healthy, and maybe in refuting, if

1 we have a memorandum, and they issue it, you know, they might
2 give us another memorandum that we have been unable to shake
3 them loose on, and so we would obviously include their side
4 of the story if there is a side that they have been holding
5 back.

6 Senator Hart of Colorado. Mr. Chairman, I want to persist
7 in my view that this should be a full Committee report, and not
8 a Hart-Schweiker report.

9 Senator Schweiker. I support that.

10 Senator Hart of Colorado. So I think we have got to buy
11 all of you a grace period here of what, a week or whatever you
12 need to read this thing and sign off on it, but I don't want it
13 to be a two-member report.

14 Senator Schweiker. All of the other reports have been a
15 Committee report, and I think that is a valid request.

16 Senator Inouye. Let me ask another question.

17 Senator Tower. Senator Inouye.

18 Senator Inouye. Are you satisfied that the only reason for
19 the coverup conspiracy on the part of the top leadership of the
20 FBI and the CIA was simple face-saving?

21 Senator Schweiker. No.

22 Mr. Johnston. No, Senator, I am not satisfied that that
23 would be the conclusion, and I would like to touch on the fact
24 that first of all there is open the possibility that higher
25 authority in the government, at least when knowledgeable of the

1 general parameters of the problem, and approved the CIA's
2 conduct in this regard. We have attempted to detail every
3 meeting between the President, President Johnson and Director
4 McCone in the relevant time period, November-December 1963. There
5 is no evidence that the AMLASH operation was detailed to
6 President Johnson. There is evidence that the President was
7 told fully about the general thrust of the covert operations
8 against Cuba, and apparently told that this included some coup
9 plans.

10 It would be very important to find out precisely what he
11 was told about that, as for example, if he were told only
12 that there were coup planning in the works, that's one thing.
13 If he were told that the coup plan had reached the stage that
14 Desmond Fitzgerald had met with this agent and assured him
15 that the assassination coup had U.S. support, that would be
16 another matter.

17 I don't think it is solely limited at this point to a
18 coverup by Agency officials, high level Agency officials.
19 I think the other option has to be kept open.

20 Senator Schweiker. This is something, Dan, you may or
21 may not want to pursue. That is one of your options.

22 Senator Tower. Since it is a suggestion of Senator Hart,
23 do I understand that Senator Hart and Senator Schweiker both
24 agree that the question should be put over until all of the
25 other Committee members have an opportunity to read the report?

1 Senator Hart of Colorado. Or in the alternative, that
2 we vote, that we reaffirm our vote two weeks ago or three
3 weeks ago to release, but making pending seven to ten days
4 period for every member to read and sign on the report or
5 something like that. Therefore, when the period ends, we will
6 release it.

7 Senator Tower. Do you want to couch that in the form of
8 a motion?

9 Senator Schweiker. Well, we have a technical problem.
10 We have to have a vote prior to the end of this month on it.

11 Senator Mathias. Well, may I make a suggestion? Can we
12 make the vote conditional on whether or not a majority of the
13 members have registered an objection prior to Midnight on
14 the 31st?

15 Can we do something of that sort?

16 Senator Hart of Colorado. Yes, we have got a little
17 technical but a very important problem for the gentlemen sitting
18 neatly in front of you, and that is that their salaries are
19 going to end one of these days, and we can't expect these
20 people to work pro bono.

21 Senator Schweiker. I was willing to subsume some of
22 that burden, but I wonder if it wouldn't be more tidy, if Danny
23 would be respective to, for several weeks, to just put them
24 on the temporary basis, because you have got classified material.
25 I can't handle that, nobody can in their office, until that

1 project terminates.

2 Senator Inouye. I can assure you that is under very serious
3 consideration. The only reason we have not acted is very
4 simple. The majority side has met to organize, the minority
5 side has not yet, and although I am Chairman of the Committee,
6 I don't wish to take any step until the full Committee has
7 been organized.

8 Senator Schweiker. Well, I will be glad to go along with
9 what you say, Danny. It would be strictly until the basis of
10 this project is completed, so you are in no way -- we are
11 not delineating your new staff.

12 Senator Inouye. What do you mean when the project is
13 completed?

14 Senator Tower. Well, you see, we go out of business on
15 the 31st, and to tidy up this matter, I think what Senator
16 Schweiker is suggesting is some of the staff of this Committee
17 could be continued on a temporary basis on your Committee until
18 the report is published, and then you can hire your own.

19 Senator Schweiker. See, we have to go back to the CIA
20 and the FBI in the next day or so.

21 Senator Tower. You are going to have to -- it is going to
22 take you a while to hire your own people, anyway.

23 Senator Inouye. I have already asked for the names of
24 the members.

25 Senator Tower. Would you like to restate your motion again.

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1 Mac?

2 Senator Mathias. My motion would be that the work be
3 published as a full Committee report, unless a majority of the
4 members of the Committee would register an objection prior to
5 midnight on May 31st.

6 Senator Tower. Do you want to take that a step further,
7 in which case the matter would be turned over to the successor
8 Committee?

9 Senator Mathias. I think we would have no option, in which
10 case it would be turned over.

11 Senator Hart of Colorado. What day is the 31st?

12 Senator Mathias. It is Monday and nobody will be here.
13 I would suggest we have a meeting.

14 Senator Hart of Colorado. So you all have, in effect, until
15 Friday night.

16 Senator Schweiker. Why don't you make it Friday night?

17 Senator Mathias. I would be glad to accept that. That
18 gives us three days.

19 Senator Hart of Colorado. It is a two hour reading job.

20 Senator Schweiker. Say that again?

21 Senator Mathias. That the report be published as a
22 full Committee report, subject to being sanitized and so forth,
23 unless a majority of the members of the Committee register
24 objection by 5:00 o'clock on Friday, May 28th.

25 Senator Huddleston. Let's establish how and where we register

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1 an objection.

2 Senator Tower. With Mr. Miller.

3 Senator Mondale. Can we take this thing with us?

4 Senator Hart of Colorado. No, no.

5 Senator Tower. You have heard the motion.

6 Mr. Miller, would you call the roll?

7 Mr. Miller. Mr. Hart of Michigan.

8 Senator Hart of Michigan. Aye.

9 Mr. Miller. Mr. Mondale.

10 Senator Mondale. Aye.

11 Mr. Miller. Mr. Huddleston.

12 Senator Huddleston. Aye.

13 Mr. Miller. Mr. Morgan.

14 Senator Huddleston. Aye by proxy.

15 Mr. Miller. Mr. Hart of Colorado.

16 Senator Hart of Colorado. Aye.

17 Mr. Miller. Mr. Baker.

18 Senator Tower. Mr. Baker is absent. I have no instructions.

19 Mr. Miller. Mr. Goldwater.

20 Senator Tower. No.

21 Mr. Miller. Mr. Mathias.

22 Senator Mathias. Aye.

23 Mr. Miller. Mr. Schweiker.

24 Senator Schweiker. Aye.

25 Mr. Miller. Mr. Church.

1 He told me on the phone that he was for this.
2 Senator Tower. Ask Phil to exercise his proxy.
3 Senator Hart of Michigan. By proxy, aye.
4 Mr. Miller. Mr. Tower.
5 Senator Tower. No.
6 Mr. Miller. The motion carries.
7 Senator Schweiker. What is the vote on it?
8 Mr. Miller. It is eight to two with one to be determined.
9 Senator Tower. I ask unanimous consent that Mr. Baker
10 be polled.
11 If there is no objection, that will be done.
12 Now we move on to consideration of turn-over of Committee
13 files and other transition matters.
14 Mr. Miller?
15 Senator Hart of Colorado. John, maybe I am out of order.
16 Senator Tower. I recognize the Senator from Colorado.
17 out of order.
18 Senator Hart of Colorado. In case we are asked the
19 grounds for dissension, do we know it or not?
20 Senator Tower. I think that is incumbent upon those who
21 dissented.
22 Senator Hart of Colorado. I just refer it.
23 Senator Tower. Mr. Miller.
24 Mr. Miller. The Committee staff has put the files in order
25 for turn-over to the successor Committee. We have returned to

1 the Agencies all the materials that have been on a loan basis,
2 and I think our account is clear in this respect. What is
3 left in the files after removing, returning and destroying
4 are 45 file cases of four drawers each of material that we
5 think might be of use to a successor committee.

6 The problem this poses for the successor committee is
7 that because of the mass of material, there has to be some
8 means of communicating what is inside the files to the new
9 committee. It would be my recommendation that for a transi-
10 tional period, that the research group, that it be recommended
11 that the research group be taken on by the oversight committee
12 for a period of transition so that they can make a decision
13 whether they want to retain all or any of the material that
14 the Select Committee has acquired in its 18 months of existence.

15 Senator Huddleston. And there is a matter of security to
16 continue, too.

17 Mr. Miller. The security situation is, I think the most
18 secure place for it at the moment is to remain in the auditorium
19 with, ideally with Mr. Marshall or some equivalent.

20 Senator Tower. What you suggest is that this committee
21 immediately retain the security force that we now have.

22 Mr. Miller. Certainly on a transitional basis.

23 Senator Tower. Certainly on a transitional basis, and
24 they will probably use them anyway.

25 Senator Inouye. We are already in the midst of discussions

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1 with Miller. I tried to get ahold of Frank, but he was busy
2 elsewhere. And I think we will be retaining your man in charge
3 of security.

4 We are looking over for Committee space. We have got
5 this space now, but 45 cabinets takes a lot of room. We are
6 preparing a letter to the Rules Committee requesting that we
7 serve as your successor, not only for space, but for everything
8 else, the equipment and the works. And at the appropriate
9 time, if we don't want it, we will just throw it away.

10 At this moment we are just putting a big hand on it.

11 Senator Tower. I don't think this requires any formal
12 action by this Committee. I think we all agree that the
13 transition will be made, that all the remaining materials
14 in our files will be turned over to them, subject to their
15 making a determination of what they want.

16 And then I would suppose it could be worked out with the
17 staff.

18 Senator Inouye. The only problem we have on personnel
19 action --

20 Senator Tower. You more or less have to leave it where it
21 is, as I understand, because of the stress factor.

22 Mr. Kirbow. If they try to put you in one of the old
23 buildings, Mr. Chairman, they are not stressed to hold anything
24 more --

25 Senator Inouye. The only other place we could find would

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1 be the tunnel near our subway tunnel.

2 But in the transition, we intend, at least I am going to
3 recommend, that we retain some of the personnel you have
4 here for purposes of transition, but this is a bad time, if
5 you know what I mean. We are right on the eve of a recess, and
6 the troops are going to scatter, and so I hope that those we
7 will be selecting, they will be notified, but they may find
8 themselves with a one-week hiatus or something like that.
9 They may have to survive on beans for a week or something.

10 Senator Tower. Bill, is there anything that requires
11 formal action by the Committee?

12 Senator Inouye. May I request that your Committee submit
13 to us at the earliest the list of those who you feel should
14 be in this transition team?

15 Senator Tower. The staff is so directed.

16 Is there any further question?

17 Senator Huddleston. By about 2:30 this afternoon.

18 Senator Tower. Is there any further question or any
19 further pending business?

20 Senator Mathias. Well, John, there is one other question
21 about which I feel some responsibility.

22 I made a motion that the gross expenditure for intelligence
23 purposes should not be divulged in the Committee report, and
24 that that question should be referred for decision to the full
25 Senate. No action has been taken by the full Senate on that

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1 and I feel some responsibility for raising the question in the
2 Senate. I prefer to raise it here first to see what the other
3 members, and advice of counsel, is.

4 Senator Hart of Michigan. Mr. Chairman?

5 Senator Tower. Senator Hart?

6 Senator Hart of Michigan. I am glad Senator Mathias
7 reminded me, because it was decided by a margin of one vote,
8 and I supported his motion. I did it then in the belief that
9 it would be one of the easiest clubs to be used by those who
10 did not want the creation of a permanent committee, to clobber
11 us with. I did it also in the belief that when it was presented
12 to the Senate, that it probably would then be disclosed.

13 I share Senator Mathias's concern that somehow or other
14 we get the issue before the Senate.

15 Senator Tower. I am sure it will get there.

16 Senator Hart of Michigan. Well, it has not yet.

17 Senator Tower. I think it is almost inevitable that it
18 will.

19 Senator Mathias. I don't know whether it takes a
20 resolution here, or requesting the Majority Leader to schedule
21 it, and that is about the only thing that we can do.

22 Senator Huddleston. Any member can make a motion on the
23 floor.

24 Senator Hart of Michigan. Well, Senator Mathias would be
25 the logical one, having made the motion here.

1 Senator Mathias. I am prepared to do that, and I would
2 be glad to have the concurrence of the Senator from Michigan.

3 Senator Hart of Michigan. You do.

4 Senator Mathias. Well, why don't we get together and plan
5 to do that.

6 Senator Inouye. Are you satisfied that you have made
7 this motion that it is from now to eternity and nobody will
8 ever know how much the gross figure is?

9 Senator Mathias. If we make the motion, they will know. We
10 will publish it.

11 Senator Inouye. What, you want to publish it?

12 Senator Mathias. We want to publish it now.

13 Senator Inouye. I thought everyone wanted to keep it
14 secret.

15 Senator Tower. Gentlemen, is there anything further?

16 Senator Schweiker. I just have a minor point.

17 Danny, did I understand on the technical thing on the
18 staff that while there may be a week's gap, which I can
19 understand, would there possibly be a retroactivity to the
20 first of June when it is set up?

21 Senator Inouye. Oh, yes.

22 Senator Schweiker. No problem.

23 Senator Inouye. They might have a week of ulcers, that's
24 all.

25 Mr. Wallach. Just before we conclude, I guess on behalf

1 of the staff I would like to thank both Senators Hart and
2 Schweiker for the amount of time that they have put into this
3 and I think it is -- I don't know if the Committee realizes
4 really the amount of time that they personally have put into
5 attending sessions and reviewing documents and things like
6 that. And on behalf of the staff, the cooperation they have
7 given us, and I just want to express thanks very much.

8 Senator Tower. Well, thank you very much, and I want to
9 say on behalf of the Committee that we all of us express to
10 Senators Hart and Schweiker our appreciation for the hard work
11 they have done on this. Having served on the drafting committee
12 last summer, I know how time consuming this can be in the hands
13 of two people or three.

14 So I think that the Committee would like to express their
15 thanks to Senators Hart and Schweiker.

16 Senator Hart of Colorado. Well, thank you.

17 I think it is the other way around in terms of the staff and
18 us. I think we owe it to the five people that you see here.

19 Senator Schweiker. They have been a very dedicated staff.

20 Senator Hart of Colorado. We have got the very same
21 problem we had a couple of weeks ago. I am told there are
22 reporters outside. I am not going to go talk to them because
23 all we have got to say is the same thing we have said two
24 or three weeks ago.

25 Senator Tower. I will go ahead and talk to them and tell.

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1 them the action we took.

2 Is there anything else?

3 Then I declare that this Committee is adjourned, sine die.

4 (Whereupon, at 11:57 o'clock p.m., the Committee adjourned,
5 sine die.)

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